

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5802 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

G S R T C

Versus

SUGNUMAL P NAINANI

Appearance:

MR SM MAZGAONKER for Petitioner
None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/02/98

ORAL JUDGMENT

Heard the learned counsel for the petitioner and perused the Special Civil Application.

2. Challenge has been made by petitioner, by this Special Civil Application, to the Award dated 11.4.86 of the Industrial Tribunal, Gujarat at Ahmedabad, in Reference (IT) No.65 of 1984.

3. The respondent-workman has raised an industrial dispute for setting aside the orders of punishment dated 22nd July 1982 and 10th January 1983 and for fully compensating him for monetary loss suffered by him. The respondent-workman was chargesheeted by the Corporation for misconduct in connection with irregularities committed by respondent-workman, a conductor of the Corporation, in issuing tickets to the passengers. The Corporation, after holding enquiry dismissed the respondent-workman from the services on 22nd July 1982, but the appellate authority has reversed that decision and punishment of dismissal has been substituted by penalty of withholding of grade increments for four years with permanent effect and the intervening period was ordered to be considered as leave to the extent available and the rest as leave without pay. The Industrial Tribunal considered the penalty given by the appellate authority to the respondent-workman to be excessive and that penalty has been reduced to withholding of his grade increment for two years without permanent effect.

4. It is a matter where the Industrial Tribunal has considered the punishment given to the respondent-workman to be excessive and in the facts of the present case, as noticed by the Tribunal, it cannot be said that it has acted arbitrarily or the order is perverse. In the matter of punishment, the Tribunal can interfere therewith where it finds it to be excessive or harsh or disproportionate to the guilt. This Court, on the other hand in the matter of what penalty should have been imposed to the delinquent workman, has very limited powers of judicial review. Moreover, this Court, sitting under Article 227 of the Constitution of India will not interfere with the order of the Tribunal unless the order is without jurisdiction or it is arbitrary or perverse on the fact of it to which category this case does not belong.

5. In the result, this special Civil Application fails and the same is dismissed. Rule discharged. Interim relief granted by this Court stands vacated. No order as to costs.

.....

